

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Zhao Yi WANG	)	Group Art Unit: 1647
	)	
Serial No.: 10/591,199	)	Examiner: Shulamith H. Shafer
Confirmation No.: 4302	)	
	)	
Filed: August 30, 2006	)	
	)	
For: <u>ESTROGEN RECEPTORS AND METHODS OF USE</u>		

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed May 22, 2008, Applicant elects Group I (claims 1-16, 29-35 (in part), 36-38, and 52). Applicant reserves the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicant respectfully requests reconsideration and withdrawal of the restriction requirement. It is respectfully submitted that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others.

*Request for modification of Restriction Requirement*

Applicant respectfully requests modification of the restriction requirement between the claims of Group I and Group V. The Examiner is requested to join Group V (claims 41-46, directed to a method for inhibiting ER- $\alpha$ 36 activity using an unspecified compound, such as an antibody) with Group I, and to examine the claims of Groups I and V.

According to 37 C.F.R. §1.475,

(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

- (1) A product and a process specially adapted for the manufacture of said product; or
- (2) A product and a process of use of said product; or

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(3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product.

The claims of Group I are directed to a product (antibody and a composition comprising an antibody, claims 1-11) and methods of making or using the product (a method of making an antibody, claims 12-16; a method for detecting a polypeptide using an antibody, claims 29-35 in part, and claims 36-38, and a kit comprising an antibody, claim 52).

The claims of Group V are directed, in part, to a method for using the product (a method for inhibiting ER- $\alpha$ 36 activity using an antibody).

Since the claims of Group V are directed, in part, to a method for using the product, the claims of Group V should be considered to have unity of invention. Thus, joinder of Group V with Group I and examination of the claims of Groups I and V is respectfully requested.

The Examiner is invited to contact Applicant's Representatives at the telephone number listed below if prosecution of this application may be assisted thereby.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper, as described hereinabove, is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of June, 2008.

By: Sandy Truehart

Name: Sandy Truehart

June 23, 2008  
Date

DLP/SJT

Respectfully submitted

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